

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF EVERETT, a Washington
municipal corporation,

Plaintiff,

v.

PURDUE PHARMA, L.P., a Delaware
limited partnership; PURDUE PHARMA,
INC., a New York corporation; THE
PURDUE FREDERICK COMPANY, INC.,
a New York corporation; and JOHN AND
JANE DOES 1 THROUGH 10, individuals
who are executives, officers, and/or directors
of Purdue,

Defendants.

Case No. 2:17-CV-00209

**STIPULATED MOTION AND
ORDER REGARDING DEADLINE
FOR FILING AMENDED
COMPLAINT AND/OR BRIEFING
SCHEDULE ON MOTION TO
DISMISS**

STIPULATION

1. On February 17, 2017, the Court entered its Order [Dkt. No. 7] granting the parties' Stipulated Motion to Extend Defendants' Time to Respond to Complaint [Dkt. No. 6], which extended the time to March 20, 2017 for defendants Purdue Pharma L.P., Purdue Pharma, Inc., and The Purdue Frederick Company, Inc. ("Defendants") to respond to the original complaint filed by plaintiff City of Everett ("Plaintiff").

2. On March 20, 2017, in response to Plaintiff's original complaint, Defendants filed a Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(B)(6) [Dkt. No. 8] (the "Dismissal Motion").

1 3. Pursuant to LCR 7(d)(3), the deadline for Plaintiff to file its opposition papers to
2 the Dismissal Motion is currently April 10, 2017. Similarly, pursuant to FRCP 15(a)(1)(B), the
3 deadline for Plaintiff to file an amended complaint “as a matter of course” is also April 10, 2017.

4 4. In order to have sufficient time to evaluate the issues and arguments raised by the
5 Dismissal Motion, and prepare either opposition papers or an amended complaint (as well as
6 address conflicting scheduling issues in other matters), counsel for Plaintiff have requested a
7 short, thirty-day extension. Counsel for the parties have met and conferred regarding Plaintiff’s
8 request, and Plaintiff and Defendants hereby stipulate to extend the deadlines to May 10, 2017
9 for Plaintiff to file either its opposition papers to the Dismissal Motion or an amended complaint.

10 5. The parties have also agreed that the pending Dismissal Motion shall be re-noted
11 to May 19, 2017. However, in the event Plaintiff files an amended complaint (rather than
12 opposition papers) on May 10, 2017, then the pending Dismissal Motion shall be stricken as
13 moot and Defendants shall respond to the amended complaint. Plaintiff and Defendants hereby
14 stipulate that, in that event, the deadline for Defendants’ response to an amended complaint shall
15 be June 9, 2017.

16 6. The parties have also met and conferred regarding an agreed briefing schedule in
17 the event that Plaintiff files an amended complaint on May 10, 2017 and then Defendants file a
18 new motion to dismiss (rather than an answer) on June 9, 2017. If Defendants move to dismiss
19 the amended complaint, then Plaintiff will file its opposition papers on or before July 10, 2017,
20 Defendants will file their reply papers on July 25, 2017, and Defendants’ new motion to dismiss
21 shall be noted for consideration on July 28, 2017.

22 7. Counsel for the parties have met and conferred in good faith, there is good cause
23 for the requested extensions of time and proposed briefing schedule, and the parties’ stipulation
24 will not delay this proceeding or cause prejudice.

25 8. Accordingly, pursuant to the parties’ stipulation, and subject to the Court’s
26 approval, the parties specifically agree as follows:

- 1 (a) The deadlines for Plaintiff to file either its opposition papers to the
2 pending Dismissal Motion or an amended complaint are extended to May
3 10, 2017.
- 4 (b) The pending Dismissal Motion shall be re-noted to May 19, 2017.
5 However, in the event Plaintiff files an amended complaint (rather than
6 opposition papers) on or before May 10, 2017, then the pending Dismissal
7 Motion shall be stricken as moot and Defendants will respond to the
8 amended complaint.
- 9 (c) If Plaintiff files an amended complaint on or before May 10, 2017, then the
10 deadline for Defendants' response to such amended complaint is June 9,
11 2017.
- 12 (d) If Defendants move to dismiss the amended complaint (rather than filing
13 an answer) on or before June 9, 2017, then the deadline for Plaintiff's
14 opposition papers is July 10, 2017, the deadline for Defendants' reply
15 papers is July 25, 2017, and Defendants' new motion to dismiss shall be
16 noted for consideration on July 28, 2017.
- 17
18
19
20
21
22
23
24
25
26

SO STIPULATED this March 27, 2017.

Kelley, Goldfarb, Huck, Roth & Riojas, PLLC

/s/ Michael A. Goldfarb

Michael A. Goldfarb, WSBA No. 13492

/s/ Christopher M. Huck

Christopher M. Huck, WSBA No. 34104

/s/ Kit W. Roth

Kit W. Roth, WSBA No. 33059

/s/ R. Omar Riojas

R. Omar Riojas, WSBA No. 35400

700 Fifth Avenue, Suite 6100

Seattle, Washington 98104

Telephone: (206) 452-0260

Facsimile: (206) 397-3062

Email: goldfarb@kelleygoldfarb.com

Email: huck@kelleygoldfarb.com

Email: roth@kelleygoldfarb.com

Email: riojas@kelleygoldfarb.com

Attorneys for Plaintiff City of Everett

Karr Tuttle Campbell

/s/ Thomas D. Adams

Thomas D. Adams, WSBA No. 18470

/s/ Ronald J. Friedman

Ronald J. Friedman, WSBA No. 41629

/s/ Stephanie R. Lakinski

Stephanie R. Lakinski, WSBA No. 46391

/s/ Andrew W. Durland

Andrew W. Durland, WSBA No. 49747

701 Fifth Avenue, Suite 3300

Seattle, WA 98104

Telephone: (206) 223-1313

Facsimile: (206) 682-7100

Email: tadams@karrtuttle.com

Email: rfriedman@karrtuttle.com

Email: slakinski@karrtuttle.com

Email: adurland@karrtuttle.com

Attorneys for Defendants Purdue Pharma L.P.,
Purdue Pharma Inc., and The Purdue Frederick
Company Inc.

ORDER

Pursuant to the above Stipulated Motion, **IT IS SO ORDERED.**

DATED this 28 day of March, 2017.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE